

Regular Session, 2010

HOUSE BILL NO. 405

BY REPRESENTATIVE DIXON

BESE: Requires BESE to adopt guidelines for the use of seclusion and physical and mechanical restraint of students with exceptionalities

1 AN ACT

2 To amend and reenact R.S. 17:7(5), relative to the powers, duties, and responsibilities of the  
3 State Board of Elementary and Secondary Education; to provide that the board shall  
4 adopt guidelines for the use of seclusion, physical restraint, and mechanical restraint  
5 of certain students; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:7(5) is hereby amended and reenacted to read as follows:

8 §7. Duties, functions, and responsibilities of board

9 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and  
10 responsibilities vested by any other applicable laws, the board shall:

11 \* \* \*

12 (5)(a) ~~Prepare and adopt or approve~~ Approve courses of study and prepare  
13 and adopt rules, ~~by laws~~, and regulations for the discipline of students; and ~~for the~~  
14 ~~government~~ governance of the public elementary and secondary schools and other  
15 public schools and programs under its jurisdiction, which shall not be inconsistent  
16 with law and which shall be enforced by the ~~parish and city~~, parish, and other local  
17 public school boards and the ~~parish and city~~ local school superintendents. ~~However,~~  
18 ~~; however,~~ the board shall have no control over the business affairs of a ~~parish or~~  
19 city, parish, or other local public school board or the selection or removal of its  
20 officers and employees.

1                    (b) Prepare and adopt guidelines for the appropriate use of seclusion,  
2                    physical restraint, and mechanical restraint of students with exceptionalities as  
3                    defined in R.S. 17:1942.

4 \* \*

# DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Dixon

HB No. 405

**Abstract:** Requires the State Board of Elementary and Secondary Education to adopt guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities.

Present law provides for the powers, duties, and responsibilities of the State Board of Elementary and Secondary Education (BESE), including to prepare and adopt or approve courses of study and rules and regulations for the discipline of students and the governance of public schools and programs under its jurisdiction, which shall be enforced by local public school boards and superintendents.

Proposed law retains present law and further requires BESE to prepare and adopt guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities.

(Amends R.S. 17:7(5))

### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Added the use of mechanical restraint and any combination of seclusion, physical restraint, or mechanical restraint to proposed law requirements.

House Floor Amendments to the engrossed bill.

1. Changed proposed law requirement that BESE prepare and adopt rules and regulations for the use of seclusion, physical restraint, and mechanical restraint of students to instead require that BESE prepare and adopt guidelines for the appropriate use of such methods.
2. Limited applicability of proposed law to students with exceptionalities.